

-1-

Court. *Mathews v. Weber*, 422 U.S. 483(1976). The Court is charged with making a *de novo* determination of those portions of the R & R to which specific objection has been made. The Court may accept, reject or modify, in whole or in part, the recommendation of the Magistrate Judge. 28 U.S.C. § 636(b)(1).

The Court has reviewed the record in this matter, the R & R of the Magistrate Judge and the applicable law. The Court finds that the Magistrate Judge accurately and ably set forth the factual and legal issues in this matter. Therefore, the Court hereby **ADOPTS** Sections I and II of the Magistrate Judge's R & R as the order of the Court. The Court **GRANTS** Defendant's motion for summary judgment without prejudice.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', is written over a horizontal line.

Richard Mark Gergel
United States District Judge

August 3, 2012
Charleston, South Carolina.